

REMARKS/ARGUMENTS

In this Amendment After Final Under 37 C.F.R. § 1.116 (“Amendment After Final”), Applicant proposes claim amendments in order to present the claims in better form for consideration on appeal. Specifically, Applicant proposes to amend claim 1 to recite “wherein the co-channel interference detection unit detects co-channel interference using: a value calculated by multiplying a square of the magnitude of the channel frequency response and the error signal; and at least one coefficient information; and wherein the co-channel interference detection unit generates the channel state selection control signal based on a result of the detection” and to amend claim 10 to recite “wherein co-channel interference is detected using: a value calculated by multiplying a square of the magnitude of the channel frequency response and the error signal; and at least one coefficient information; and wherein the channel state selection control signal is generated based on a result of the detection”; both in order to better define the claimed invention. No new matter is introduced.

Prior to entry of the Amendment, claims 1-22 were pending in the application. After entry of the Amendment, claims 1-22 remain pending in the application.

In the Office Action, the Examiner rejected claims 1, 3, 9, 10, 12, 21, and 22 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 1,221,793 A2 to Robinson (“Robinson”). The Examiner also allowed claims 17-20 and indicated that claims 2, 4-8, 11, and 13-16 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner’s statements that claims 17-20 are allowed and that claims 2, 4-8, 11, and 13-16 are allowable.

Independent Claim 1

Although Applicant does not believe that the Examiner has established a proper prima facie case of anticipation of independent claim 1—for reasons similar to those discussed in the Amendment Under 37 C.F.R. § 1.111 filed on December 18, 2007—Applicant proposes to amend claim 1 in order to present the claims in better form for consideration on appeal.

Applicant submits that the amendment to claim 1 incorporate recitations (e.g., “square the magnitude of the channel frequency response”, “error signal”, and “coefficient information”) similar to those in claims 4 and 6. As a result, Applicant submits that the amendment to claim 1: (1) does not raise new issues that would require further consideration and/or search; and (2) does not raise the issue of new matter. Additionally, Applicant submits that the amendment to claim 1: (3) makes claim 1 patentable over the art of record (as discussed below); and (4) places the application in better form for appeal by materially reducing or simplifying the issues for appeal. Therefore, Applicant submits that the Amendment After Final should be entered and considered by the Examiner.

Applicant submits that claim 1, as amended, is patentable over Robinson and the other art of record at least because Robinson does not disclose all the limitations of claim 1, including: “wherein the co-channel interference detection unit detects co-channel interference using: a value calculated by multiplying a square of the magnitude of the channel frequency response and the error signal; and at least one coefficient information; and wherein the co-channel interference detection unit generates the channel state selection control signal based on a result of the detection”.

Dependent Claims 2-9

Applicant submits that dependent claims 2-9 also are patentable over Robinson and the other art of record, for at least the same reasons that claim 1 is patentable, from which claims 2-9 directly or indirectly depend.

Independent Claim 10

Although Applicant does not believe that the Examiner has established a proper prima facie case of anticipation of independent claim 10—for reasons similar to those discussed in the Amendment Under 37 C.F.R. § 1.111 filed on December 18, 2007—Applicant proposes to amend claim 10 in order to present the claims in better form for consideration on appeal.

Applicant submits that the amendment to claim 10 incorporate recitations (e.g., “square the magnitude of the channel frequency response”, “error signal”, and “coefficient information”) similar to those in claims 4 and 6. As a result, Applicant submits that the amendment to claim 10: (1) does not raise new issues that would require further consideration and/or search; and (2) does not raise the issue of new matter. Additionally, Applicant submits that the amendment to claim 10: (3) makes claim 10 patentable over the art of record (as discussed below); and (4) places the application in better form for appeal by materially reducing or simplifying the issues for appeal. Therefore, Applicant submits that the Amendment After Final should be entered and considered by the Examiner.

Applicant submits that claim 10, as amended, is patentable over Robinson and the other art of record at least because Robinson does not disclose all the limitations of claim 10, including: “wherein co-channel interference is detected using: a value calculated by multiplying a square of the magnitude of the channel frequency response and the error signal; and at least one

coefficient information; and wherein the channel state selection control signal is generated based on a result of the detection”.

Dependent Claims 11-16, 21, and 22

Applicant submits that dependent claims 11-16, 21, and 22 also are patentable over Robinson and the other art of record, for at least the same reasons that claim 10 is patentable, from which claims 11-16, 21, and 22 directly or indirectly depend.

Request for Reconsideration and Allowance

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-22 in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Director of the U.S. Patent and Trademark Office is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

A handwritten signature in black ink, appearing to be 'JAC', is written over a horizontal line.

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